

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|-------------------------------|---------------------------|
| <i>Attorney Docket No.</i> | 10437-69 |
| <i>First Inventor</i> | FUKUNAGA |
| <i>Title</i> | BREATHING CIRCUITS HAVING |
| <i>Express Mail Label No.</i> | ER 975074426 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 41]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. Oath or Declaration [Total Sheets]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
 - a. ☐ Computer Readable Form (CRF)

b. **Specification Sequence Listing on:**

- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper

c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
 10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
 (when there is an assignee)
 11. ☐ English Translation Document (if applicable)
 12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
 13. ☐ Preliminary Amendment
 14. ☒ Return Receipt Postcard (MPEP 503)
 (Should be specifically itemized)
 15. ☐ Certified Copy of Priority Document(s)
 (if foreign priority is claimed)
 16. ☐ Nonpublication Request under 35 U.S.C. 122
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35
 or its equivalent.
 17. ☒ Other: **UNSIGNED DECLARATION
 & POWER OF ATTORNEY**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/390,070

Prior application information:

Examiner


Art Unit: 3761

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number: OR ☒ Correspondence address below

| | | | | | |
|---------|-------------------------------|-----------|--------------|----------|--------------|
| Name | Daniel B. Schein, Ph.D., Esq. | | | | |
| Address | P.O. Box 28403 | | | | |
| | | | | | |
| City | San Jose | State | CA | Zip Code | 95159 |
| Country | USA | Telephone | 408-294-6750 | Fax | 408-294-6752 |

| | | | | |
|-------------------|---|-----------------------------------|--------|------------------|
| Name (Print/Type) | Daniel B. Schein, Ph.D., Esq. | Registration No. (Attorney/Agent) | 33,551 | |
| Signature |  | | Date | 12 February 2004 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

The FTO did not receive the following
Listed Source(s) NO pert cond

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that the below listed documents were deposited with the United States Post Office, postage prepaid, using Express Mail (No. ER 975074426 US), addressed to:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

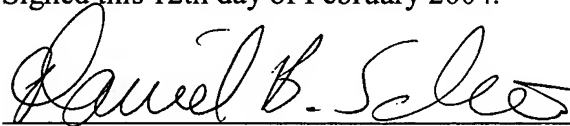
RE: Our Ref. No.: 10437-69

**New Utility Patent Application Entitled: BREATHING CIRCUITS HAVING
UNCONVENTIONAL RESPIRATORY CONDUITS AND SYSTEMS AND
METHODS FOR OPTIMIZING UTILIZATION OF FRESH GASES**

**Inventors: Atsuo F. FUKUNAGA, Alex S. FUKUNAGA, and Blanca M.
FUKUNAGA**

- (1) Patent Application Transmittal Form PTO/SB/05;
- (2) Unsigned Combined Declaration and Power of Attorney;
- (3) 41 pages of application, including cover sheet, specification, claims and abstract and 10 sheets of drawings;
- (4) Return receipt postcard.

Signed this 12th day of February 2004.



Daniel B. Schein, Ph.D., Esq.
Registration No. 33,551

P.O. Box 28403
San Jose, CA 95159

Telephone: (408) 294-6750
Facsimile: (408) 294-6752